

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**J.D. HEISKELL HOLDINGS, LLC d/b/a
J.D. HEISKELL & COMPANY,**

Plaintiff,

v.

Civ. No. 23-854 JCH/JFR

**WILLARD DAIRY, LLC,
VALLEYVIEW DAIRY, LLC, and
TIVERTON ADVISORS, LLC,**

Defendants.

MEMORANDUM OPINION AND ORDER


THIS MATTER is before the Court on *Plaintiff's Motion for Attorney's Fees and Costs* [Doc. 115] in accordance with its acceptance [Doc. 107] of Defendants Willard Dairy, LLC and Valleyview Dairy, LLC's Offer of Judgment [Doc. 107-1] to include Plaintiff's reasonable attorneys' fees. After reviewing the motion and the exhibits thereto, the Court finds that Plaintiff's Motion should be granted.

Attorneys' fees are awardable in accordance with the terms of an accepted offer of judgment. *See Dartez v. Peters*, 97 F.4th 681, 696 (10th Cir. 2024). In this case, Defendants Willard Dairy, LLC, and Valleyview Dairy, LLC, agreed to pay Plaintiff's reasonable attorneys' fees. "To determine the reasonableness of a fee request, a court must begin by calculating the so-called 'lodestar amount of a fee, and a claimant is entitled to the presumption that this lodestar amount reflects a 'reasonable' fee." *Robinson v. City of Edmond*, 160 F.3d 1275, 1281 (10th Cir.

1998). The lodestar calculation is the product of the number of hours reasonably expended on the case and reasonable hourly rate. *Id.*

The Court has given due consideration to the factors in determining the reasonableness of the rates and hours expended in this case and determines that Plaintiff has met its burden to demonstrate that the requested fee award is both appropriate and reasonable.

IT IS HEREBY ORDERED that Plaintiff's Motion for attorney fees [Doc. 115] is **GRANTED**. The Court hereby awards **\$48,933.50 in attorneys' fees** to Plaintiff and against Defendants Willard Dairy, LLC and Valleyview Dairy, LLC, jointly and severally.



SENIOR UNITED STATES DISTRICT JUDGE